

Revise Work Comp Benefits for Firefighters

Presume certain illnesses have occurred "in the course of duty"

What is a presumptive illness?

Certain illnesses and diseases have a strong link to the day-to-day work of firefighters. Yet some firefighters find themselves tied up in a bureaucratic nightmare when trying to prove these illnesses are a direct result of their work.

This legislation switches the burden of proof from the sick firefighter to the insurance company for certain illnesses. These illnesses are presumed to have occurred "in the course of duty."

Why is legislation needed?

Firefighters risk their lives to protect us. We need to make sure we take care of them when their lives are on the line.

Certain illnesses and diseases clearly result from the day-to-day work of emergency responders. However, the burden of proof is on the firefighter to prove that their disease resulted from their job.

For example, during a fire, common household objects can release toxic carcinogenic fumes. Firefighters expose themselves to multiple carcinogens, under great physical stress, to save our families and homes.

As a result of the stress and carcinogens they are exposed to, their rates of contracting certain cancers or dying from a heart attack are more than double that of the rest of the population. Despite these facts, some firefighters still see their claims denied.

What does SB 103 do?

This bill will place a presumption into workers compensation law that emergency responders who contract certain illnesses do so in the course of their work. This presumption will switch the burden of proof

from the emergency responder to the insurance company.

Only certain diseases which have been proven by multiple studies to have a direct link to firefighting are covered under the presumption. They include heart disease, respiratory disease, specific infectious diseases, and specific cancers.

Firefighters are only eligible for the presumption during their employment and for a limited period of time following their termination. For emergency responders to be eligible for a presumptive disease, they must have had a physical examination at the beginning of their employment that did not show proof of the disease and have periodic examinations during the scope of their employment. They must also meet other eligibility criteria.

The presumption can be rebutted by the insurer if there is proof that the eligibility conditions have not been met or with a preponderance of medical evidence.

Firefighters will be required to go through regularly scheduled physicals to be eligible for the presumption. These examinations allow disease to be caught early so treatment is more effective and less costly than a disease which has had more time to progress.

Follow the State Auditor's Legislation

Bill Number SB 103

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LC Number LC0427

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